

CITY OF MUSKEGON

CITY COMMISSION MEETING

OCTOBER 27, 2015

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, MI at 5:30 p.m., Tuesday, October 27, 2015.

Pastor Marcy Miller, from Samuel Lutheran Church, opened the meeting with prayer, after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Gawron, Vice Mayor Lawrence Spataro, Commissioners Turnquist, Johnson, Hood, Rinsema-Sybenga, and German. City Manager Franklin Peterson, City Attorney John Schrier, and City Clerk Ann Meisch.

Absent: Commissioner Eric Hood

2015-77 AMEND THE AGENDA:

Motion to Amend the Agenda:

Motion by Vice Mayor Spataro, second by Commissioner Turnquist, to amend the agenda to move the Public Hearing for confirmation of the special assessment roll for street lighting to the top of the agenda due to public interest.

ROLL VOTE: Ayes: Johnson, Gawron, Spataro, German, Rinsema-Sybenga, and Turnquist

Nays: None

MOTION PASSES

INTRODUCTIONS/PRESENTATION:

A. Tribute to Richard Hunt – Mayor Gawron presented a Tribute of Richard Hunt, to Judy Hayner, Title honoring Mr. Hunt for his art.

2015-78 PUBLIC HEARING:

B. Public Hearing – Confirmation of Special Assessment Roll – Street Lighting City Treasurer

SUMMARY OF REQUEST: Confirm the Special Assessment Roll for Street Lighting.

FINANCIAL IMPACT: \$506,870.00 per year – this figure is based on the initial tax

roll with 14,482 parcels.

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Confirm the Roll for Special Assessment, establish the amount to levy on all eligible properties for 5 years, and approve the resolution.

Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga, to amend the amount of the assessment from \$35 per year to \$26 per year.

ROLL VOTE: Ayes: Gawron, Spataro, German, Rinsema-Sybenga, Turnquist, and Johnson

Nays: None

MOTION PASSES

Motion by Commissioner German, second by Vice Mayor Spataro, to open the public hearing for confirmation of the special assessment roll for street lighting.

ROLL VOTE: Ayes: Spataro, German, Rinsema-Sybenga, Turnquist, Johnson, and Gawron

Nays: None

MOTION PASSES

Public Participation: the following members of the public spoke regarding the confirmation of the special assessment roll for street lighting.

Garland Kilgore, III – spoke in favor, wife, however, is in opposition,
1043 Francis

Toni Gurn, Lakeshore Drive Apartments – not opposed but individual
owners should not be taxed for multi-unit

The following spoke in opposition:

Pat Caradine, 1397 E Isabella Thomas Spaniola, 3345 Thompson Ave

Eunice Beck, 1471 5th Street Colby Beckstrom, 1860 Walnut

Michael & Mary Thompson, 1309 Ada

Jesus R. Pena, 1857 Walnut Roy McDonald, 1322 Wesley

Jerome Franklin, 373 E. Holbrook Amecia Kilgore, 933 Kampenga

Howard Collins, 450 W. Grand August Panuzi, 2137 Hudson

Paul Simons, 1485 Randolph Robert Calkins, 1322 Leonard

Tiffany Harper, 993 Michigan Female, 1780 Duchess Ct – owns several
properties

Jim Hoosier, 1240 W. Forest Robert Skants, 990 W. Hackley

David Scouten, 1468 W. Harbour Towne Circle

David Runk, resides in Norton Shores has slip at Harbour Towne Marina

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Spataro, to close the Public Hearing.

ROLL VOTE: Ayes: Spataro, German, Rinsema-Sybenga, Turnquist, and Gawron
Nays: Johnson

MOTION PASSES

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Spataro, to table the issue so that it may be considered by the full Commission.

ROLL VOTE: Ayes: Rinsema-Sybenga, Gawron, and Spataro
Nays: Turnquist, Johnson, and German

MOTION FAILS

Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga, to confirm the special assessment roll for street lighting.

ROLL VOTE: Ayes: Rinsema-Sybenga, Gawron, and Spataro
Nays: German, Turnquist, and Johnson

MOTION FAILS

2015-79 CONSENT AGENDA:

A. Approval of Minutes City Clerk

SUMMARY OF REQUEST: To approve the minutes of the October 12, 2015 Worksession Meeting and the October 13, 2015 City Commission Meeting.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the minutes.

B. Request to Adopt the Muskegon Parking Strategy as Part of the Master Land Use Plan Planning & Economic Development

SUMMARY OF REQUEST: Staff initiated request to adopt the recently completed Parking Strategy as part of the Master Land Use Plan. The strategy was developed in partnership with private consultants as a guide for future parking policies as downtown continues to be developed.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To adopt the Parking Strategy as part of the Master Land Use Plan.

D. West Michigan Metropolitan Transportation Planning Program (WestPlan) Dues FY2015 (October 1, 2015 – September 30, 2016) City Manager

SUMMARY OF REQUEST: To approve the City of Muskegon's portion of the

WestPlan dues, payable to West Michigan Shoreline Regional Development Commission. The agency determines projects and distributes federal transportation funds.

FINANCIAL IMPACT: \$16,040.00

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve the request.

E. Sale of Boat Slip (A-08) at Harbour Towne Department of Public Works

SUMMARY OF REQUEST:

1. Vacate previous authorization from August 25, 2015 for staff to negotiate and execute an agreement with Mr. and Mrs. Hall for the purchase of slip # A-08 at Harbour Towne Marina.
2. Authorize the Mayor and Clerk to sign the purchase agreement for the sale of the same slip to the Meyers as per the attached purchase agreement for \$28,000 plus all associated costs of the sale.

The Halls have withdrawn their offer and elected to buy a different slip at Harbour Towne.

FINANCIAL IMPACT: The sale price of \$28,000 plus associated costs which will be used to settle the city's obligations regarding this slip.

BUDGET ACTION REQUIRED: None at this time.

STAFF RECOMMENDATION: Vacate the action taken on the 25th of August 2015 regarding this matter and authorize the Mayor and Clerk to execute the purchase agreement with the Meyers.

F. Marsh Field Management Agreement Department of Public Works

SUMMARY OF REQUEST: Authorize the Mayor and City Clerk to execute the "Marsh Field Baseball Facility Management Agreement" with the Muskegon Clippers Baseball Club (MCBC). Furthermore, if approved, authorize staff to issue the previously approved contribution to this new group rather than to Lakeshore Baseball Club.

FINANCIAL IMPACT: The Muskegon Clippers Baseball Club (MCBC) will continue to expand the operations of this facility and will invest in improvements to the facility.

BUDGET ACTION REQUIRED: None. The contract continues to offer savings in maintenance costs for the City and creates opportunities for capital improvements by MCBC that the City is unable to accomplish at this time.

STAFF RECOMMENDATION: Approve the request.

Motion by Vice Mayor Spataro, second by Commissioner German, to approve the consent agenda as read, with the exception of item C.

ROLL VOTE: Ayes: Turnquist, Johnson, Gawron, Spataro, German, and Rinsema-

Sybenga

Nays: None

MOTION PASSES

2015-80 ITEMS REMOVED FROM CONSENT AGENDA:

C. Asbestos Survey Bids – MSHDA Land Bank Grant Planning & Economic Development

SUMMARY OF REQUEST: A requirement of the MSHDA Land Bank Grant for demolitions is that we have asbestos surveys done for all properties included. To save time, we put out a request for bids for a firm to do the asbestos surveys for all the properties (33 properties originally included in the grant...some of those will be changing due to property owners moving forward with demolitions themselves, allowing us to add new properties in for demolition). The bids were received October 20, 2015. Once the surveys are complete, bids will be obtained for the asbestos abatement and demolition of the properties.

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: To approve Environmental Testing and Consulting, Inc. as the firm to complete the asbestos surveys for all the properties included in the MSHDA Land Bank demolition grant and authorize staff to sign any necessary documents.

Motion by Vice Mayor Spataro, second by Commissioner Johnson, to approve Environmental Testing and Consulting, Inc. as the firm to complete the asbestos surveys for all the properties included in the MSHDA Land Bank demolition grant and authorize staff to sign any necessary documents.

ROLL VOTE: Ayes: Gawron, Spataro, German, Rinsema-Sybenga, Turnquist, and Johnson

Nays: None

MOTION PASSES

2015-81 PUBLIC HEARINGS:

A. Public Hearing – Request for the Establishment of an Industrial Development District at 1690 Creston Street Planning & Economic Development

SUMMARY OF REQUEST: Pursuant to Public Act 198 of 1974, as amended, Production Fabricators, Inc. has requested to establish an Industrial Development District at 1690 Creston Street. The company is in the process of purchasing the property from the City and will eventually be expanding their business on site. The establishment of the district will allow the company to become eligible for Industrial Facilities Tax Abatements (IFTs).

FINANCIAL IMPACT: None

BUDGET ACTION REQUIRED: None

STAFF RECOMMENDATION: Approval of the establishment of the Industrial Development District.

Public hearing was opened to receive comments from the public.

No comments were received.

Motion by Vice Mayor Spataro, second by Commissioner Johnson, to close the public hearing and approve the establishment of the Industrial Development District.

ROLL VOTE: Ayes: Gawron, Spataro, German, Rinsema-Sybenga, Turnquist, and Johnson

Nays: None

MOTION PASSES

2015-82 CLOSED SESSION:

B. To Discuss Pending Litigation

Motion by Commissioner Rinsema-Sybenga, second by Vice Mayor Spataro to go into closed session to discuss pending litigation.

ROLL VOTE: Ayes: Spataro, German, Rinsema-Sybenga, Turnquist, Johnson, and Gawron

Nays: None

MOTION PASSES

Motion by Vice Mayor Spataro, second by Commissioner Rinsema-Sybenga, to come out of closed session and to settle the suit as discussed, consistent with the city attorney's recommendation.

ROLL VOTE: Ayes: German, Rinsema-Sybenga, Turnquist, Johnson, Gawron, and Spataro

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 8:34 p.m.

Respectfully Submitted,

Ann Marie Meisch, MMC
City Clerk